

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

305 EAST 61ST STREET GROUP LLC,

Debtor.

Chapter 11

Case No. 19-11911 (SHL)

LITTLE HEARTS MARKS FAMILY II L.P.,

Plaintiff,

Adversary No. 21-01137 (SHL)

vs.

JASON D. CARTER and 61 PRIME LLC,

Defendants.

**ORDER (I) GRANTING THE MOTION TO DISMISS COMPLAINT FILED BY
DEFENDANTS AND (II) DENYING THE REMAND MOTION FILED BY PLAINTIFF**

Before the Court is (i) the motion to dismiss [Adv. Pro. Docket No. 4] and memorandum of law in support thereof [Adv. Pro. Docket No. 5] (collectively, the “Motion to Dismiss”) filed by defendants, Jason D. Carter and 61 Prime LLC (collectively, the “Defendants”) on June 21, 2021 and (ii) the motion for remand [Adv. Pro. Docket No. 8] and supporting memorandum of law [Adv. Pro. Docket No. 9] (collectively, the “Remand Motion”) filed by Little Hearts Marks Family II L.P. (the “Plaintiff”). On September 9, 2021, this Court held a hearing on the Motion to Dismiss and the Remand Motion (the “Hearing”) and heard argument from counsel for the Defendants and counsel for the Plaintiff. Having considered the Motion to Dismiss and the Remand Motion, and the arguments by counsel at the Hearing, and for the reasons stated in the

Memorandum of Decision dated October 11, 2022 [Adv. Pro. Docket No. 17] (the “Memorandum of Decision”),¹ it is hereby

ORDERED that the Motion to Dismiss is GRANTED; and it is further

ORDERED that the Complaint is hereby dismissed with prejudice; and it is further

ORDERED that the Remand Motion is DENIED.

Dated: October 21, 2022
White Plains, New York

/s/ Sean H. Lane
The Honorable Sean H. Lane
United States Bankruptcy Judge

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Memorandum of Decision.